

#28
P.B.
9/13/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : William Bakker, et al.

For: : SHRINKING FILM ONTO AN OPEN
TOPPED CONTAINER

Serial Number : 09/977,374

Appeal No. : 2001-0266

Filed : November 24, 1997

Group Art Unit : 1772

Examiner : W. Watkins III

Attorney Docket No. : PZN 2 0017

BOARD OF PATENT
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INTERFERENCES

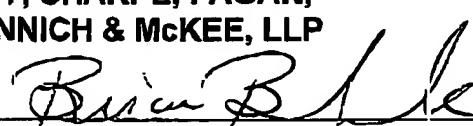
SEP 12 2002

REQUEST TO WITHDRAW APPEAL AND CANCEL ORAL PROCEEDINGSCommissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants request withdraw of the appeal based on the filing of a CONTINUED PROSECUTION APPLICATION under 37 CFR 1.53(d) filed herewith. A copy of transmittal letter to the United States Patent and Trademark Office is attached.

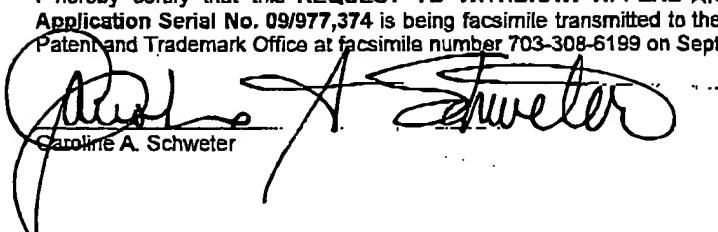
Respectfully submitted,
**FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP**



Brian G. Bembenick (Reg. No. 41,463)
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER CFR 1.8

I hereby certify that this REQUEST TO WITHDRAW APPEAL AND CANCEL ORAL PROCEEDINGS in connection with Application Serial No. 09/977,374 is being facsimile transmitted to the Board of Patent Appeals and Interferences, United States Patent and Trademark Office at facsimile number 703-308-6199 on September 12, 2002.



Caroline A. Schweter

Atty. Docket No.: PZNZ 200017-1

CONTINUED PROSECUTION APPLICATION REQUEST
TRANSMITTAL LETTER (37 C.F.R. 1.53(d))

Prior application: **08/977,374**
 Inventors: **Bakker, et al.**
 Examiner: **W. Watkins III**
 Art Unit: **1772**
 Atty. Docket No.: **PZN 2 0017**

Assistant Commissioner for Patents
 Washington, D.C. 20231
 Box CPA

This is a request for filing a **CONTINUED PROSECUTION APPLICATION** under 37 CFR 1.53(d) of prior U.S. Application Serial No. 08/977,374, filed August 19, 1996 (still pending), which is a continuation of U.S. Application Serial No. 08/089,462 filed July 12, 1993 (now U.S. Patent No. 5,511,360), which is a continuation of U.S. Application Serial No. 07,873,844 filed April 27, 1992 (now U.S. Patent No. 5,249,410).

of **WILLIAM J. BAKKER, et al.**Entitled: **SHRINKING FILM ONTO AN OPEN TOPPED CONTAINER**

SEP 12 2002

 RECORD OF PATENT
 APPEALS &
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- The above identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the specification, drawings, and oath or declaration, as the basic papers for the new application.
- The filing fee is calculated below. These fees are based on the numbered claims of the prior application.

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEES
TOTAL CLAIMS	11 - 20 =	-0-	[] \$09 SMALL	-0-
INDEPENDENT CLAIMS	2 - 3 =	-0-	[] \$42 SMALL	-0-
BASIC FEE:			SMALL ENTITY	\$355.00
			TOTAL FILING FEE	\$355.00

Atty. Docket No.: PZNZ 200017-1

- Applicants claim small entity status.
- A check in the amount of \$355.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 06-0308.
- Priority of pending of pending prior application U.S. Serial No. 08/977,374, filed August 19, 1996 (still pending), which is, a continuation of U.S. Serial No. 08/089,462 filed July 12, 1993 (now U.S. Patent No. 5,511,360), which is a continuation of U.S. Serial No. 07,873,844 filed April 27, 1992 (now U.S. Patent No. 5,249,410).
- Applicants respectfully request consideration of the arguments set forth in the Appeal Brief filed August 21, 2000, Supplemental Appeal Brief filed May 10, 2000, and Reply Brief Under 37 C.F.R. § 1.193 filed April 7, 2000.
- Applicants respectfully request a personal interview with the Examiner prior to issuance of a first Office Action on the merits.
- The associate power of attorney in the prior application is to Thomas E. Kocovsky, Jr. (Reg. No. 28,383) and Brian G. Bembenick (Reg. No. 41,463), both of Fay, Sharpe, Fagan, Minnich and McKee, LLP. A copy of the associate power of attorney appears in the original papers in the prior application.
- Please address all future communications to:
Thomas E. Kocovsky, Reg. No. 28,383
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 4411-2518

Atty. Docket No.: PNZ 200017-1

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



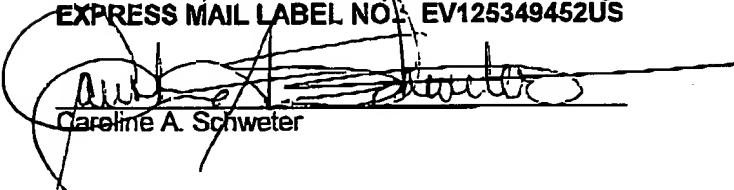
Date: September 12, 2002

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EXPRESS MAIL CERTIFICATE

I hereby certify that this Continuation Application Transmittal Letter and accompanying papers are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 and is addressed to the Assistant Commissioner For Patents, Box Patent Application, Washington, D.C. 20231 on September 12, 2002.

EXPRESS MAIL LABEL NO. EV125349452US



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SEP 12 2002

DATE:

9.12.02

TO:

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FROM:

Brian J. Bymbenick

RE:

09/977,374 (P2N 20017)

TOTAL PAGES:

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(including cover sheet)

Please call us immediately at (216) 861-5582 if this transmission is incomplete or illegible.

COMMENTS:

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